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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,798	06/16/2000	William J. Brosnan	IGT1P021/P-239	3320

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EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 01/14/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,798

Applicant(s)

BROSNAN, WILLIAM J.

Examiner

Aaron J. Capron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This is a response to the Request for Reconsideration received on October 1, 2003.

Claims 1-32 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-13, 15-23 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong et al. (U.S. Patent No. 5,762,552; hereafter "Vuong") in view of Olsen et al. (U.S. Patent No. 5,987,376; hereafter "Olsen").

Vuong discloses a gaming machine comprising a housing, a master gaming controller; a display; one or more input devices coupled to a housing for accepting indicia of credit wherein the indicia of credit are for making wagers on the game played on the gaming machine; a communication interface connected to a network of gaming machines (3:30-40 and 4:6-19); wherein the gaming machine is capable of providing one or more game services (the master gaming controller [gaming machine acting as the server] receiving play information and sending outcomes to each of the gaming machines), including sending game information to a plurality of gaming machines within the network of gaming machines and wherein the gaming machine is capable of sending a first game information to a second gaming machine in a network wherein the second game receives the first game information and wherein the first game played on the

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second gaming machine comprises: receiving a wager on a first game outcome for the first game; generating the first game outcome of the first game on the second gaming machine and displaying the first game outcome, but Vuong does not disclose the game information being downloadable game software and a memory for storing downloadable game software for generating different types of games played on a plurality of gaming machines and the ability to download game software to a plurality of gaming machines. However, Olsen discloses a system wherein downloadable game software is used to update the game state of a plurality of participating clients participating in the game (2:56-3:3, 3:14-26, 3:36-43) in order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients (2:40-43), wherein the distributed gaming information (such as the cards distributed to the players) are dependent upon an accurate count of the players at the participating client gaming machines. One would be motivated to combine the references in order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients in a gaming environment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a system using downloadable game software, as described by Olsen, into the gaming system of Vuong in order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients in a gaming environment.

Referring to claim 2, Vuong discloses the game played on the gaming machine being a slot game, video poker, video blackjack, keno and lottery (1:5-20 and 4:20-31).

Referring to claim 3, Vuong discloses that the server provides game serving (4:6-19 and 14:25-35).

Referring to claim 4, Vuong discloses the gaming machines are bi-directional and are connected in at least one loop (6:29-48).

Referring to claim 5, the gaming machines can be coupled by wire and wireless connections (7:57-61 and 5:24-35).

Referring to claim 6, Vuong discloses a gaming machine that has a concentrator for gathering information from a plurality of gaming machines in the network of gaming machines (6:9-29, 7:66-8:27 and 9:49-57)

Referring to claim 7, Vuong discloses a game machine that has a translator that translates one communication protocol to another communication protocol (8:36-40).

Referring to claim 8, Vuong discloses a gaming machine that includes the game server is a component in at least one of the plurality of gaming machines in the gaming machine network (4:6-19 and 14:25-35).

Referring to claim 9, Vuong discloses a gaming machine that includes the game server has a microprocessor for performing server functions (4:6-19). It is inherent that a game server includes a processor for performing game server functions.

Referring to claim 11, Vuong discloses a gaming machine that includes a memory device storing game information from a plurality of gaming machines (3:16-29)

Referring to claim 12, Vuong discloses a gaming machine that includes game information is a number of games played, a number of wins, number of losses, a game event, and an amount of money wagered for one or more gaming machines (9:40-62).

Referring to claims 13, Vuong in view of Olsen disclose the gaming machine is capable of generating configuration commands and sending the configuration commands to a second

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gaming machine wherein the configuration commands are for reconfiguring game software settings on the second gaming machine (Olsen 3:14-26).

Referring to claim 15, Vuong in view of Olsen disclose a gaming machine that includes an input device and a display device wherein the two devices enable a player to select a game from a list of games and the coding instructions of each game are served on the game server (4:19-30), loading game software for the updated portion of the selected game and generating the game using the loaded game software.

Referring to claim 16, Vuong discloses a gaming machine that includes a casino area network (1:5-19).

Claims 17-23 and 25-26 correspond in scope to a method set forth for use of the structure listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 29 and 31 correspond in scope to a method set forth for use of the structure listed in the claims above and are encompassed by use as set forth in the rejection above. The first gaming machine acts as a server and the plurality of gaming machines that connect to the first gaming machine receive software configuration information from the first gaming machine.

Referring to claim 30, Vuong discloses that the game is selected from video poker, video black jack, slot games and keno.

Referring to claim 32, Vuong in view of Olsen disclose a gaming network having wagering games, but does not disclose configuring information including game jurisdiction information. However, it is notoriously well known to alter game jurisdiction information based upon location with a wagering game due to a wide variety of federal, state and local governments that try to enforce their respective gambling laws over the remote network system. This

information would help ensure that the laws for each respective region would not be broken and would help protect the gaming system's company from any sort of lawsuit. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate game jurisdiction information into the configuration information of Wiltshire in order to help ensure that the law is not broken and to help protect the gaming system's company from any unnecessary lawsuits.

Claims 10, 14 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong in view of Olsen as applied to claims 1-9, 11-13, 15-23 and 25-32 above, and further in view of Weiss (U.S. Patent No. 5,611,730).

Referring to claim 10, Vuong in view of Olsen disclose a gaming machine that includes a memory, but does not disclose that the memory is removable. However, Weiss discloses that the memory is removable (9:12-35 and 18:27-29). One would be motivated to combine the two references since both references deal with network gaming machines. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate removable memory into Vuong's and Olsen's invention because problems could occur with the memory and new memory may have to be added and the old memory be examined for diagnostic checks.

Referring to claims 14 and 24, Vuong in view of Olsen disclose a method that has a game operation and that the gaming machine is capable of receiving game information from one or more gaming machines, but does not disclose the game operation being either presenting a bonus game or displaying a progressive jackpot. However, Weiss discloses a progressive

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gaming system. One would be motivated to combine the two references since both use network gaming systems in a casino environment. Also, it notoriously well known in the arts that slot games have bonus features, such as bonus games and progressive jackpots, to attract players. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the bonus features of Weiss with Vuong's invention because casinos can generate more money since the slot machine would attract more players.

Response to Arguments

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Further, it is noted that the Applicant's failed to reasonably traverse examiner's well known statements in their response, therefore, the object of the examiner's statements (e.g. well known to alter game jurisdiction information based upon location with a wagering game due to a wide variety of federal, state and local governments that try to enforce their respective gambling laws over the remote network system) is taken as admitted prior art. *In re Chevenard*, 139 F.2d 711, 60 USPQ 239 (CCPA 1943). *Schneider* ('382 or '408) is evidence of jurisdiction control.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc



MARK SAGER
PRIMARY EXAMINER